1970

# c 333 Operating Engineers Act

Ontario

# CHAPTER 333

## The Operating Engineers Act

**1.** In this Act, Interpretation

1. "Board" means the Board of Examiners appointed for the purposes of this Act;

2. "boiler" means a pressure vessel that may be used at greater than atmospheric pressure,
   i. to generate or heat steam, or
   ii. to heat water to a temperature less than its boiling point at the maximum pressure within the vessel,

   and includes any pipe, fitting and other equipment attached thereto or used in connection therewith;

3. "brake horsepower" means the effective or useful horsepower developed by a prime mover as measured by a weigh scale and a brake applied to its driving shaft or by other means approved by the chief officer, and one brake horsepower is equivalent to 2,544 British thermal units per hour or to 0.02544 Therm-hours;

4. "certificate of qualification" means a subsisting certificate of qualification issued under this Act to an operating engineer or an operator;

5. "certificate of registration" means a subsisting certificate of registration issued under this Act for a plant;

6. "chief operating engineer" means an operating engineer who at all times has charge of and the responsibility for the safe operation of a plant, and has such other powers and duties respecting the plant and persons therein as are prescribed in this Act and the regulations;

7. "chief operator" means an operator or an operating engineer who at all times has charge of and the responsibility for the safe operation of a compressor plant or a refrigeration plant, and has such other powers and duties respecting the plant and persons therein as are prescribed in this Act and the regulations;

8. "compressor plant" means an installation comprised of one or more compressors with prime movers and the equipment used in connection therewith for compres-

sing but not liquefying air or any other gas to a pressure of more than 15 where the total Therm-hour rating of all such prime movers is more than 1.908;

9. "hoisting plant" means a hoist equipped with,
   i. a drum and a hoisting rope or chain, or
   ii. a hydraulic pump,

   that is driven by a prime mover or movers other than steam and that is used for raising, lowering or swinging material where the total Therm-hour rating of the prime mover or movers is,
   iii. more than 1.137 for internal combustion engines, or
   iv. 0.636 for other types of prime movers;

10. "inspector" means an inspector appointed for the purposes of this Act;

11. "low-pressure stationary plant" means an installation comprised of one or more boilers,
   i. containing steam at a pressure of 15 or less, or
   ii. containing water at a temperature at any boiler outlet of more than 212°F. and up to and including 250°F.,

   and in addition a low-pressure stationary plant may have one or more compressors and one or more refrigeration compressors, and the total Therm-hour rating of all such boilers and compressors is more than 50;

12. "Minister" means the Minister of Labour;

13. "operating engineer" or "operator" means a person who is the holder of a certificate of qualification;

14. "plant" means a stationary power-plant, low-pressure stationary plant, steam-powered plant, compressor plant, refrigeration plant or any combination thereof, or a hoisting plant, steam hoisting plant, a portable compressor plant or a temporary heating plant;

15. "pressure" means pressure in pounds per square inch above normal atmospheric pressure;

16. "pressure vessel" means a vessel that is heated or its contents are heated by,
   i. a flame or the hot gases of combustion,
   ii. electricity,
   iii. a liquid, or
   iv. nuclear energy, either directly or indirectly;

17. "prime mover" means an initial source of motive power, and includes an electric motor, an internal combustion engine, a steam engine, a steam turbine and a gas turbine;

18. "refrigerant" means a substance that may be used to produce refrigeration by its expansion or evaporation;

19. "refrigeration plant" means an installation comprised of one or more refrigeration compressors with prime movers and the equipment used in connection therewith for compressing, liquefying at a pressure of more than 15 and evaporating a refrigerant where the total Therm-hour rating of all such prime movers is more than 1.272;

20. "regulations" means the regulations made under this Act;

21. "shift engineer" means an operating engineer who has charge of and operates a plant under the direction and supervision of a chief operating engineer and who has the authority to perform the powers and duties of the chief operating engineer when the chief operating engineer is absent from the plant;

22. "shift operator" means an operator or operating engineer who has charge of and operates a compressor or refrigeration plant under the direction and supervision of a chief operator or a chief operating engineer and who has the authority to perform the powers and duties of the chief operator or the chief operating engineer when the chief operator or the chief operating engineer is absent from the plant;

23. "stationary power plant" means an installation comprised of one or more boilers,

    i. containing steam at a pressure of more than 15, or

    ii. containing water at a temperature at any boiler outlet of more than 250°F.,

    and in addition a stationary power plant may have,

    iii. one or more boilers containing steam at a pressure of 15 or less or water at a temperature at any boiler outlet of more than 212°F. and up to and including 250°F., and

    iv. one or more compressors or refrigeration compressors,

    and the total Therm-hour rating of all such boilers and compressors is more than 17;

24. "steam hoisting plant" means a hoist equipped with a drum and a hoisting rope or chain that is driven by a steam-driven prime mover and used for raising, lowering or swinging material;

25. "steam-powered plant" means a turbine or engine having a Therm-hour rating of more than 3.816 driven by steam,

    i. from a boiler that is not owned by or under the control of the user of the turbine or engine, or

    ii. from another plant of the user of the turbine or engine;

26. "temporary heating plant" means one or more boilers, with or without compressors, that supply heat to a project as defined in *The Construction Safety Act* or to a shaft, tunnel, caisson or coffer dam to which the regulations made under subsection 1 of section 11 of *The Department of Labour Act* apply and that operates at a pressure,

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    i. of not more than 15 and has a total Therm-hour rating of more than 50, or

    ii. of more than 15 and has a total Therm-hour rating of more than 17;

27. "Therm-hour" means 100,000 British thermal units per hour or 39.3082 brake horsepower;

28. "Therm-hour rating" means the Therm-hour rating of a plant as determined under this Act or the regulations;

29. "user" means the person in control of a plant as owner, lessee or otherwise, but does not include its operating engineer or operator as such. 1965, c. 92, s. 1.

Exemptions

**2.** This Act does not apply to,

(*a*) a person who performs work in connection with a plant other than the actual operation of it;

(*b*) a person, other than an operating engineer or operator, engaged in installing, testing or repairing a plant;

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(*c*) an elevator or lift as defined in *The Elevators and Lifts Act*;

R.S.O. 1970, c. 274

(*d*) a shaft hoist or other hoist used in mining within the meaning of *The Mining Act*;

(*e*) an overhead bridge-type crane that is not equipped with a boiler and that operates on a fixed runway;

(*f*) a plant that is subject to inspection by the Canadian Transport Commission or The Energy Board of Canada;

(*g*) any boiler used in connection with an open-type hot water heating system where there are no intervening valves between the boiler and any direct vent to the atmosphere;

(*h*) a stationary power plant or low-pressure stationary plant while used in connection with any growing operation except a growing operation being carried on in a greenhouse where any person, other than the user of the plant or his immediate family, is employed or works in connection with the growing operation;

(*i*) a hoisting device,

(i) that is used exclusively for raising, lowering or towing motor vehicles,

(ii) that is mounted on a motor vehicle used exclusively for fire fighting,

(iii) that is mounted on a motor vehicle and used exclusively for loading or unloading materials carried by the motor vehicle, or

(iv) of a class that is exempted by the regulations;

(*j*) a compressor that, in the opinion of the chief officer, is situated in a remote area to which a person does not normally have access, and that is controlled automatically or by remote manual control;

(*k*) a compressor or refrigeration compressor that operates at a pressure of 15 or less;

(*l*) a compressor installation with a prime mover having a Therm-hour rating of 1.145 or less;

(*m*) a refrigeration compressor installation with a prime mover having a Therm-hour rating of 0.7632 or less;

(*n*) a compressor of a class that is exempted by the regulations;

(*o*) a boiler installation containing steam at a pressure of 15 or less or water at a temperature at any boiler outlet of 250°F. or less, and having a Therm-hour rating of 10 or less;

(*p*) a boiler installation containing steam at a pressure of more than 15 or water at a temperature at any boiler outlet of more than 250°F., and having a Therm-hour rating of 5 or less. 1965, c. 92, s. 2; 1970, c. 27, s. 1, *amended*.

Chief officer, examiners and inspectors

**3.**—(1) There shall be appointed a chief officer, three or more examiners and such inspectors as are necessary to administer and enforce this Act and the regulations, and such persons shall be subject to the direction and control of the Minister.

Powers of inspection

(2) The chief officer, an inspector or any person authorized in writing by the Minister may enter and inspect any building or premises where he has reason to believe a plant is being installed or operated. 1965, c. 92, s. 3.

Board of Examiners

**4.**—(1) There shall be a Board of Examiners composed of the chief officer and the examiners mentioned in section 3, one of whom may be appointed as chairman.

Quorum

(2) A majority of the members of the Board constitutes a quorum whether or not a vacancy exists on the Board. 1965, c. 92, s. 4.

Information

**5.**—(1) The chief officer may, for the purposes of this Act, require a user or a manufacturer of a boiler or prime mover,

(*a*) to furnish him with information; or

(*b*) to perform tests to establish the proper Therm-hour rating of a boiler or prime mover.

Rating by actual test

(2) Where a test to establish the Therm-hour rating is performed under clause *b* of subsection 1 in a manner satisfactory to the chief officer, the rating as established by the test is the Therm-hour rating, notwithstanding sections 11, 12 and 13. 1965, c. 92, s. 5.

Registration of plants

**6.**—(1) Every user of a plant shall, before operating it, register it with the chief officer.

Idem

(2) Where two or more plants of a user are located on the same premises, such plants shall, unless the chief officer determines otherwise, be registered as one plant. 1965, c. 92, s. 6.

Certificates of registration and registration plates

**7.**—(1) The chief officer, upon application in the prescribed form and upon payment of the prescribed fee, shall issue to the user of a plant a certificate of registration or a registration plate, as the case requires.

Contents of certificates of registration

(2) Every certificate of registration shall show,

(*a*) the registration number;

(*b*) the name of the user of the plant;

(*c*) the Therm-hour rating of the plant;

(*d*) the maximum pressures at which the safety valves on boilers, compressors or refrigeration compressors are respectively set to relieve pressure; and

(*e*) the classes of operating engineers or operators required for the plant.

Contents of registration plates

(3) Every registration plate shall show,

(*a*) the registration number; and

(*b*) the Therm-hour rating of the plant. 1965, c. 92, s. 7.

Display of certificate of registration

**8.**—(1) The user of a plant shall conspicuously display its certificate of registration in the engine room, compressor room or boiler room of the plant.

Display of plate

(2) The user of a hoisting plant or a steam hoisting plant shall conspicuously display its registration plate in the cab or in some equally protected position in the plant. 1965, c. 92, s. 8.

Reregistration

**9.** Where the setting of a safety valve or the Therm-hour rating of a registered plant is changed, the user of the plant shall notify the chief officer in writing within fifteen days with full particulars of such change in setting or Therm-hour rating and, where the change is sufficient to change the classes of operating engineers or operators required for the plant, he shall return the certificate of registration or registration plate, as the case may be, to the chief officer, together with the prescribed plant registration application form and the prescribed fee, and thereupon the chief officer shall issue a new certificate of registration or a new registration plate, as the case may be, for the plant. 1965, c. 92, s. 9.

Conversion of existing plants to Therm-hour rating

**10.** The registered horsepower of every plant or part thereof in use when this Act comes into force shall be converted from a horsepower basis to a Therm-hour basis in accordance with the following provisions:

1. The Therm-hour rating of a boiler, other than an electric boiler, is the horsepower of the boiler shown on the certificate of registration for the plant under the predecessor of this Act multiplied by 2 and divided by 3.

2. The Therm-hour rating of an electric boiler is the horsepower of the boiler shown on the certificate of registration for the plant under the predecessor of this Act divided by 3.

3. The Therm-hour rating of the prime mover of any type of compressor is the brake horsepower of the prime mover of the compressor shown on the certificate of registration for the plant under the predecessor of this Act multiplied by 0.02544.

4. The Therm-hour rating of a plant having boilers only is the total of the Therm-hour ratings of its boilers.

5. The Therm-hour rating of a plant having any type of compressors but no boilers is the total of the Therm-hour ratings of the prime movers of its compressors.

6. The Therm-hour rating of a plant having boilers and any type of compressors is the horsepower rating of the plant shown on its certificate of registration under the predecessor of this Act multiplied by 2 and divided by 3. 1965, c. 92, s. 10.

Interpretation

**11.**—(1) In this section,

(*a*) "altered" means that the maximum capacity of the boiler to heat water or to generate or heat steam while in normal continuous operation has been changed;

(*b*) "installed" means that the boiler is so placed and so equipped that in the opinion of the chief officer it is ready for use, and "reinstalled" has a corresponding meaning.

Therm-hour rating, boilers

(2) The Therm-hour rating of a boiler, other than an electric boiler, that is installed, reinstalled or altered after this Act comes into force shall be the maximum number of British thermal units in the total heat content of the water or steam entering its inlet subtracted from the total heat content of the water or steam leaving its outlet per hour, as determined by its manufacturer for its normal, continuous operation, divided by 100,000.

Idem, electric boilers

(3) The Therm-hour rating of an electric boiler that is installed, reinstalled or altered after this Act comes into force shall be the maximum number of kilowatts supplied to the boiler per hour, as determined by its manufacturer for its normal, continuous operation, multiplied by 3413 and divided by 100,000. 1965, c. 92, s. 11.

Therm-hour rating, prime movers

**12.** The Therm-hour rating of a prime mover, other than an electric motor or an internal combustion engine, is the maximum brake horsepower, as determined by its manufacturer for its normal, continuous operation, multiplied by 0.02544. 1965, c. 92, s. 12.

Therm-hour rating, electric motors

**13.**—(1) The Therm-hour rating of an electric motor is the lesser of,

(*a*) the maximum brake horsepower, as determined by its manufacturer for its normal, continuous operation, multiplied by 0.02544; or

(*b*) the maximum kilowatt rating of the motor, as determined by its manufacturer for its normal, continuous operation, modified where necessary for the type of service in which it is used, multiplied by 0.03413.

(2) The Therm-hour rating of an internal combustion engine is, Idem, internal combustion engines

(*a*) the maximum brake horsepower, as determined by the engine manufacturer for its normal, continuous operation, multiplied by 0.02544; or

(*b*) where the manufacturer of the engine has not determined its maximum brake horsepower for its normal, continuous operation, the Therm-hour rating is the product of the following formula multiplied by 0.02544:

$$\frac{(\textit{diameter of cylinders in inches})^2 \times \textit{number of cylinders}}{1.4}$$

(3) Where, in the opinion of the chief officer, the Therm-hour rating of an engine cannot be determined under clause *b* of subsection 2, the chief officer may establish the Therm-hour rating of the engine. 1965, c. 92, s. 13. Exception

**14.**—(1) The Therm-hour rating, Therm-hour rating, plants

(*a*) of a stationary power plant is the total of the Therm-hour ratings of its boilers and of the prime movers of its compressors;

(*b*) of a low-pressure stationary plant is the total of the Therm-hour ratings of its boilers and of the prime movers of its compressors;

(*c*) of a compressor plant that has motive power other than steam is the total of the Therm-hour ratings of the prime movers of its compressors;

(*d*) of a refrigeration plant that has motive power other than steam is the total of the Therm-hour ratings of the prime movers of its compressors;

(*e*) of a steam-powered plant is the total of the Therm-hour ratings of its prime movers.

(2) Where a plant does not fall within one of the clauses of subsection 1, its Therm-hour rating shall be determined by the chief officer. Exceptional cases

(3) Where two or more plants of a user are located on the same premises and are registered as a plant, its Therm-hour rating is the total of the Therm-hour ratings of such plants. 1965, c. 92, s. 14. Idem, combination plants

**15.**—(1) Operating engineers shall be classified as follows: Classes of operating engineers

1. Stationary engineer (fourth, third, second or first class).
2. Provisional stationary engineer (fourth, third or second class).

3. Hoisting engineer.

4. Steam-hoisting engineer.

Classes of operators

(2) Operators shall be classified as follows:

1. Compressor operator.

2. Refrigeration operator (B or A class). 1965, c. 92, s. 15.

Stationary engineers (4th class), what qualified to do

**16.**—(1) A person holding a stationary engineer's (fourth class) certificate of qualification is qualified,

(*a*) to act as chief operating engineer in charge of,

(i) any stationary power plant of not more than 50 Therm-hours where the Therm-hour rating of refrigeration compressors is not more than 2.544 and the Therm-hour rating of compressors, including any refrigeration compressors, is not more than 5.088,

(ii) any low-pressure stationary plant of not more than 134 Therm-hours,

(iii) any steam-powered plant of not more than 7.632 Therm-hours,

(iv) any refrigeration plant of not more than 5.088 Therm-hours,

(v) any compressor plant of not more than 10.176 Therm-hours,

(vi) any plant referred to in subclause ii or iii whose total Therm-hour rating includes the Therm-hour rating of refrigeration compressors of not more than 3.816 Therm-hours or the Therm-hour rating of compressors, including any refrigeration compressors, of not more than 7.632 Therm-hours;

(*b*) to act as shift engineer in,

(i) any stationary power plant of not more than 134 Therm-hours where the Therm-hour rating of refrigeration compressors is not more than 5.088 and the Therm-hour rating of compressors, including any refrigeration compressors, is not more than 10.176,

(ii) any low-pressure stationary plant of not more than 400 Therm-hours,

(iii) any steam-powered plant,

(iv) any refrigeration plant of not more than 20.352 Therm-hours,

(v) any compressor plant,

(vi) any plant referred to in subclause ii or iii whose total Therm-hour rating includes the Therm-hour

rating of refrigeration compressors of not more than 15.264 or the Therm-hour rating of compressors, including any refrigeration compressors, of not more than 30.528 Therm-hours;

(c) to act as assistant shift engineer in,

(i) any stationary power plant of not more than 400 Therm-hours;

(ii) any low-pressure stationary plant, steam-powered plant, refrigeration plant or compressor plant.

Idem, stationary engineers (3rd class)

(2) A person holding a stationary engineer's (third class) certificate of qualification is qualified,

(a) to act as chief operating engineer in charge of,

(i) any stationary power plant of not more than 134 Therm-hours where the Therm-hour rating of refrigeration compressors is not more than 5.088 and the Therm-hour rating of compressors, including any refrigeration compressors, is not more than 10.176,

(ii) any low-pressure stationary plant of not more than 400 Therm-hours,

(iii) any steam-powered plant,

(iv) any refrigeration plant of not more than 20.352 Therm-hours,

(v) any compressor plant,

(vi) any plant referred to in subclause ii or iii whose total Therm-hour rating includes the Therm-hour rating of refrigeration compressors of not more than 15.264 Therm-hours or the Therm-hour rating of compressors, including any refrigeration compressors, of not more than 30.528 Therm-hours;

(b) to act as shift engineer in,

(i) any stationary power plant of not more than 400 Therm-hours that includes the Therm-hour rating of refrigeration compressors of not more than 15.264 Therm-hours or the Therm-hour rating of compressors, including any refrigeration compressors, of not more than 30.528,

(ii) any low-pressure stationary plant, steam-powered plant, compressor or refrigeration plant;

(c) to act as assistant shift engineer in any plant.

Idem, stationary engineers (2nd class)

(3) A person holding a stationary engineer's (second class) certificate of qualification is qualified,

(a) to act as chief operating engineer in charge of,

(i) a stationary power plant of not more than 400 Therm-hours that includes the Therm-hour rating

of refrigeration compressors of not more than 15.264 Therm-hours or the Therm-hour rating of compressors, including any refrigeration compressors, of not more than 30.528 Therm-hours,

(ii) any low-pressure stationary plant, steam-powered plant, compressor or refrigeration plant;

(*b*) to act as shift engineer in any plant.

Idem, stationary engineers (1st class)

(4) A person holding a stationary engineer's (first class) certificate of qualification is qualified to act as chief operating engineer in charge of any plant.

Idem, compressor operators

(5) A person holding a compressor operator's certificate of qualification is qualified to act as a chief or shift operator in any compressor plant whose prime mover is not a steam engine or steam turbine.

Idem, refrigeration operators (class B)

(6) A person holding a refrigeration operator's (class B) certificate of qualification is qualified,

(*a*) to act as chief operator in a refrigeration plant of not more than 20.352 Therm-hours or in any compressor plant whose prime mover is not a steam engine or steam turbine;

(*b*) to act as a shift operator in any refrigeration or compressor plant whose prime mover is not a steam engine or steam turbine.

Idem, refrigeration operators (class A)

(7) A person holding a refrigeration operator's (class A) certificate of qualification is qualified to act as chief or shift operator in any compressor or refrigeration plant whose prime mover is not a steam engine or steam turbine.

Idem, steam hoisting engineers

(8) A person holding a steam hoisting engineer's certificate of qualification is qualified to operate any steam hoisting plant or hoisting plant.

Idem, hoisting engineers

(9) A person holding a hoisting engineer's certificate of qualification is qualified to operate any hoisting plant or portable compressor plant whose prime mover is not a steam engine or steam turbine.

Idem, stationary engineers, steam hoisting engineers

(10) A person holding a certificate of qualification of any class of stationary engineer or of a steam hoisting engineer is qualified to operate a portable compressor plant, a temporary heating plant or a portable boiler used in connection with *any* portable machinery or a device for melting ice or snow.

Idem, holders of provisional certificates

(11) A person holding a provisional certificate of qualification under section 23 is qualified to perform the same work and duties as an operating engineer or operator holding a corresponding certificate of qualification. 1965, c. 92, s. 16.

Trainees

**17.** A person who is obtaining qualifying experience for his first certificate of qualification may not perform work in connection with the actual operation of a plant except under the personal direction and supervision of an operating engineer or operator. 1965, c. 92, s. 17.

Shift operators for compressors in stationary plants

**18.** Where a low-pressure stationary plant or stationary power plant has a compressor or a refrigeration compressor, the user of the plant may employ one or more compressor operators or one or more refrigeration operators, as the case may be, as shift operator or shift operators for the compressor. 1965, c. 92, s. 18.

Absence due to sickness or holidays

**19.** Where an operating engineer or operator is absent from his plant due to sickness or while on holidays, an operating engineer or operator holding a certificate not more than one class lower than the certificate of the operating engineer or operator who is absent may during the absence operate the plant for not more than thirty days per year or such greater number of days per year as the chief officer may authorize in writing in any particular case. 1965, c. 92, s. 19.

Temporary absences

**20.** While a plant is in operation, an operating engineer or an operator qualified to be in charge of such a plant shall be present in its boiler room, compressor room or engine room, as the case may be, or, where it is not enclosed, he shall be present in its immediate vicinity,

(*a*) unless an operating engineer or an operator holding a certificate of qualification that is not more than one class lower is present during his absence;

(*b*) unless his absence is authorized by the regulations,

and unless, in either case, he is satisfied at the time of his leaving the plant that it is operating safely. 1965, c. 92, s. 20.

Increase in Therm-hour rating

**21.** Where a plant has been operated by an operating engineer or operator in compliance with this Act and the regulations and the Therm-hour rating of the plant is increased so that the operating engineer or operator, as the case may be, is no longer qualified to operate the plant and he has operated the plant continuously for three consecutive years immediately before the increase, he may continue to operate the plant for such period and under such terms and conditions as the regulations prescribe. 1965, c. 92, s. 21.

Certificates of qualification

**22.**—(1) The Board shall issue, in accordance with the regulations, a certificate of qualification to any person who,

(*a*) shows proof satisfactory to the Board of the experience required by the regulations; and

(b) passes the examinations conducted by the Board; and

(c) pays the prescribed fee.

Term

(2) Every certificate of qualification, except a provisional certificate of qualification, remains in force during the calendar year in which it is issued and until the date of renewal or the 31st day of January in the following year, whichever occurs first, unless it is sooner suspended or cancelled. 1965, c. 92, s. 22.

Provisional certificates of qualification

**23.**—(1) The Board may, upon payment of the prescribed fee and in accordance with the regulations, issue a provisional certificate of qualification without examination to any person who, in the opinion of the Board, holds a subsisting certificate issued by another province of Canada that qualifies the person to perform the work and duties of an operating engineer or operator in such province.

Idem

(2) A provisional certificate under subsection 1 shall be one grade lower than the certificate of qualification that, in the opinion of the Board, corresponds to the certificate issued by the other province.

Term

(3) Every provisional certificate of qualification remains in force for one year from the date of issue, unless sooner suspended or cancelled, and is not renewable. 1965, c. 92, s. 23.

Cancellation or suspension of certificate of qualification

**24.**—(1) The Board may cancel or suspend a certificate of qualification if the operating engineer or operator,

(a) is habitually intemperate in his use of alcoholic beverages or is addicted to the use of drugs;

(b) operates a plant when his ability to do so is impaired by alcohol or a drug;

(c) is declared to be mentally incompetent or becomes physically incapable of safely performing his duties;

(d) is incompetent or negligent in the discharge of his duties as an operating engineer or operator;

(e) has obtained his certificate through misrepresentation or fraud;

(f) maliciously destroys his employer's property;

(g) allows another person to operate under his certificate;

(h) attempts to obtain a certificate by false means for another person;

(i) fails to give the notice required by section 28;

(*j*) leaves the employ of his employer without having given his employer at least seven days notice in writing of his intention to leave;

(*k*) furnishes information for the use of the Board respecting an applicant for a certificate without knowing that the information is true; or

(*l*) contravenes any of the provisions of this Act or the regulations.

Hearings

(2) No certificate of qualification shall be cancelled or suspended by the Board unless the Board first gives the holder of the certificate and his counsel, if any, and any other person having knowledge of the matter an opportunity to be heard.

Powers

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(3) For the purposes of a hearing under this section, the chairman of the Board has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. 1965, c. 92, s. 24.

Appeals

**25.**—(1) Any person who considers himself aggrieved by any decision of the Board or of the chief officer may, within ten days after the decision comes to his notice, appeal in writing from the decision to the Minister who shall, upon notice to all interested parties, hear the appeal and affirm, rescind or vary the decision.

Idem

(2) The making of an appeal under this section does not affect the operation of the decision pending the disposition of the appeal by the Minister. 1965, c. 92, s. 25.

Posting of certificates

**26.** Every certificate of qualification shall at all times be displayed conspicuously in the engine room, compressor room or boiler room of the plant in which the holder thereof works, except in the case of a steam hoisting plant or a hoisting plant, in which case the certificate shall be carried upon the person of the holder. 1965, c. 92, s. 26.

Duplicate certificates

**27.** Where a certificate has been lost or destroyed, the Board or the chief officer, as the case may be, on payment of the prescribed fee, shall issue a duplicate certificate. 1965, c. 92, s. 27.

Duty to notify of absence

**28.** Every operating engineer or operator who,

(*a*) knows that he will be absent from his duties; or

(*b*) is unable to commence or continue his duties,

shall immediately make every reasonable effort in the circumstances to so notify his chief operating engineer or chief operator or shift engineer or shift operator, or, if none, his employer. 1965, c. 92, s. 28.

Prohibitions, operation by other than operating engineer or operator

**29.**—(1) No person other than an operating engineer who holds a certificate of qualification shall perform the work and duties of an operating engineer, and no person other than an operating engineer or operator who holds a certificate of qualification shall perform the work and duties of an operator.

Employment of unqualified persons prohibited

(2) No person shall employ,

(*a*) any person who is not an operating engineer to perform the work and duties of an operating engineer or operator, or any person who is not an operator to perform the work and duties of an operator; or

(*b*) any operating engineer or operator to operate a plant that he is not qualified under this Act to operate.

Work prohibited, unless qualified therefor

(3) No operating engineer or operator shall perform any work or duties of an operating engineer or operator that he is not qualified under this Act to perform. 1965, c. 92, s. 29.

Operation of plants

**30.** No person shall use or operate a plant or cause a plant to be used or operated except in accordance with this Act and the regulations. 1965, c. 92, s. 30.

Offences

**31.**—(1) Every person who contravenes or fails to comply with any of the provisions of this Act or the regulations, or hinders or obstructs any person in the performance of his duties under this Act or the regulations, is guilty of an offence against this Act and on summary conviction is liable to a fine of not more than $1,000 or to imprisonment for a term of not more than twelve months, or to both.

Continuing offence

(2) Where the circumstances constituting an offence against this Act continue from day to day and an information has been laid in respect of the offence, the offence shall be deemed to have been repeated on each day the circumstances continue. 1965, c. 92, s. 31.

Board of review

**32.**—(1) The Lieutenant Governor in Council may appoint a board of review consisting of a chairman and equal numbers of representatives of plant users and operating engineers,

(*a*) to advise the Minister as to the effectiveness of the Act and regulations in ensuring safety in connection with the operation of plants;

(*b*) to evaluate and advise the Minister as to equipment and operating procedures in ensuring safety in connection with the operation of plants;

(*c*) to advise the Minister, management and labour in connection with the training and employment of operating engineers and operators.

(2) The Lieutenant Governor in Council may fix the terms of office and the remuneration of the members of the board of review. Terms of office and remuneration

(3) The Lieutenant Governor in Council may fill any vacancy in the membership of the board of review. Vacancies

(4) The board of review is responsible to the Minister. 1965, c. 92, s. 32. Responsible to Minister

**33.** The Lieutenant Governor in Council may make regulations, Regulations

(*a*) prescribing the qualifications of members of the Board and of inspectors;

(*b*) prescribing the qualifications of applicants for certificates of qualification and provisional certificates of qualification and the evidence required to be furnished by such applicants as to previous training and experience;

(*c*) prescribing courses of training or study for applicants for certificates of qualification;

(*d*) prescribing the powers and duties of chief operating engineers, chief operators, shift engineers and shift operators;

(*e*) prescribing the conditions of re-examination of applicants for certificates of qualification who have failed to pass the examinations required by the Board;

(*f*) providing for the issue, renewal and reinstatement of certificates of qualification and for the issue of provisional certificates of qualification;

(*g*) prescribing the method of establishing the Therm-hour ratings of internal combustion engines, or any class thereof, not specified in this Act;

(*h*) classifying plants and exempting any class from any provision of this Act or the regulations;

(*i*) respecting the operation of plants or any class of plants;

(*j*) providing for the isolation of boilers and compressors by means of seals or otherwise;

(*k*) authorizing and prescribing the circumstances and periods of absence for the purposes of section 20;

(*l*) prescribing the periods during which and the terms and conditions upon which operating engineers and operators may continue to operate plants whose Therm-hour rating has been increased;

(*m*) prescribing forms and providing for their use;

(*n*) providing for and prescribing fees;

(*o*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1965, c. 92, s. 33.